

Exhibit F

Internal memo tells Nygard employees to preserve documents

Attorney says notice to staff is standard procedure

By: Ryan Thorpe | Posted: 03/11/2020 7:00 PM | Last Modified: 03/12/2020 6:18 AM |

Hey there, time traveller!

This article was published **11/3/2020** (211 days ago), so information in it may no longer be current.

Workers at Peter Nygard's companies and staff at his properties have been warned not to destroy documents or they could face criminal charges, an internal company memo leaked to the *Free Press* shows.

The warning comes as the fashion mogul finds himself ensnared by a U.S. federal law enforcement investigation and a class-action lawsuit filed by 10 women accusing him of drugging, raping and sodomizing them.

Nygard, 78, maintains his innocence. The allegations have not been proven in court.

The internal memo was authored by Abe Rubinfeld, general counsel for Nygard's companies, and sent to all employees and staff Feb. 26.



Peter Nygard has announced his intention to divest ownership of the companies he forged for more than 50 years. (Mikaela MacKenzie / Winnipeg Free Press files)

"Until further notice, do not discard, delete, overwrite, alter, or destroy any relevant paper documents or other physical items, or alter or destroy electronically stored information," Rubinfeld wrote.

"Until further notice, suspend any document destruction policies, to the extent any such policies are in effect."

One day before the memo was sent, agents with the U.S. Federal Bureau of Investigation and detectives with the New York Police Department raided Nygard's international headquarters in Times Square, leaving with boxes of unknown evidence in hand.



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Nygard has business interests in Winnipeg, the Bahamas, California, New York and Toronto. (John Woods / The Canadian Press files)

At the time of the raid, Jay Prober, one of Nygard's attorneys, told the *Free Press* his client expects to be cleared of claims of sexual misconduct. He also said the FBI would find no evidence of criminal wrongdoing in their search.

By the end of the day, Nygard — speaking through spokesman Ken Frydman — announced his intention to divest ownership of the companies he forged for more than 50 years.

Less than 24 hours before the raid on his Manhattan headquarters, Nygard's home in Marina del Ray, Calif., was also raided, according to a report from the *New York Times*.

The U.S. federal investigation has reportedly been underway for at least five months. The probe is headed up by a joint child-exploitation task force run out of a U.S. Attorney's office in New York.

The internal memo leaked to the *Free Press* calls on staff to "retain and preserve all documents," related to Nygard and his business interests in the Bahamas, California, Winnipeg and Toronto. It notes the request is prompted by the ongoing civil litigation and criminal probe.

"It's basically standard procedure. It's no different than when a media reporter gets sued and your editor or publisher says, 'Keep your emails, keep your texts, keep your notes,'" Prober said.

"It's also an example of the full co-operation that Nygard and his companies are providing. It's normal, standard procedure and it's indicative of the kind of co-operation that's being provided."

The memo from Rubinfeld said employees could be subject to criminal liability if they do not follow his instructions on evidence preservation.

"Please note that failure to preserve these materials or any other materials that fall within the scope of any of the categories set forth above could be detrimental to (the defendants') position with respect to the lawsuit," Rubinfeld wrote.

"(It could also) constitute obstruction of the investigation, and could result in, among other things, criminal prosecution and/or other sanctions, as well as financial penalties and termination of your employment."

The memo ends by noting the instructions remain in effect until further notice.

"If you have any doubt as to whether this notice applies to a specific document, physical item or communication, you should err on the side of caution by preserving the item," Rubinfeld wrote.

On top of the criminal probe, Nygard is the subject of civil litigation.

On Feb. 13, 10 women accused Nygard of drugging, raping and sodomizing them in a class-action lawsuit filed in the United States District Court for the Southern District of New York.

Greg Gutzler, co-counsel for the accusers, said since the lawsuit was filed last month, 50 other women have approached the firm with similar allegations of abuse. The accusations involve alleged victims in five countries on three continents, and span four decades.

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Ryan Thorpe likes the pace of daily news, the feeling of a broadsheet in his hands and the stress of never-ending deadlines hanging over his head.

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HISTORY

Updated on Thursday, March 12, 2020 at 6:18 AM CDT: Corrects typo.

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